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**ORIGINAL**

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

LES BAILEY AND  
L.A.B. PROJECT RESOURCE  
GROUP, INC.,

Plaintiffs,

vs.

RAPID MAT, LLC, COLT DEFENSE,  
LLC, COLT RAPID MAT, LLC,  
ROBERT TIMOTHY TAPP, AND  
WILLIAM M. KEYS,

Defendants.

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS <b>FILED</b>	
4:00-6:00 MAY 18 2006 <b>DROP BOX</b>	
CLERK, U.S. DISTRICT COURT By _____ Deputy	

**4 - 06 CV - 344 - Y**  
CIVIL CASE NO. \_\_\_\_\_

**NOTICE OF REMOVAL**

Defendants Colt Defense, LLC, Colt Rapid Mat, LLC, Robert Timothy Tapp, and William M. Keys (collectively, "Removing Defendants") file this Notice of Removal and would respectfully show the Court the following:

**A. Introduction**

1. On April 18, 2006, Les Bailey and L.A.B. Project Resource Group, Inc. (collectively, "Plaintiffs") filed an action against Rapid Mat, LLC and the Removing Defendants (collectively, "Defendants") for a fraudulent transfer of assets, recovery of attorneys fees, and exemplary damages. This action was filed in the 415th Judicial District Court of Parker County, Texas, and was styled *Les Bailey & L.A.B. Project Resource Group, Inc. v. Rapid Mat, LLC, Colt Defense, LLC, Colt Rapid Mat, LLC, Robert Timothy Tapp & William M. Keys*, Cause No. CV06-0802.

2. The Removing Defendants have filed this notice of removal within the thirty-day time period required by 28 U.S.C. § 1446(b).

**B. Basis for Removal**

3. The amount in controversy in this suit is in excess of \$75,000, exclusive of interest and costs, as demonstrated by the following:

- a. Plaintiffs claim that on February 19, 2004, a judgment was rendered “in favor of Plaintiffs and against Defendant Judgment Debtor [Rapid Mat, LLC], in the amount of \$845,217.45,” which judgment “remains unpaid.” Plaintiffs claim that they perfected a “lien against Defendant Judgment Debtor’s nonexempt real property located in Parker County, Texas,” and that “Defendant Judgment Debtor agreed to convey all assets to Defendant Transferees [Removing Defendants], in lieu of foreclosure of those assets by Defendant Transferees.” (See Plaintiff’s Original Petition For Fraudulent Transfer Action (“Petition”) at ¶¶ 26-27.) The amount at issue has an alleged value more than \$75,000.00.
- b. Plaintiffs also claim that, pursuant to Tex. Bus. & Com. Code § 24.013, they “are entitled to recover all reasonable and necessary attorneys fees, including those incurred through appeal.” (Petition at ¶ 30.)
- c. Plaintiffs further claim that, pursuant to Tex. Civ. Prac. & Rem. Code § 41.001, “they are entitled to exemplary damages.” (Petition at ¶ 31.)
- d. While Defendants dispute the accuracy of these allegations, these allegations facially reveal an amount in controversy in excess of \$75,000 exclusive of interests and costs.

4. The Court has original jurisdiction over this action under the provisions of 28 U.S.C. § 1332(a)(2) because the amount in controversy surpasses the threshold of 1332(a) and all Defendants are citizens of different states within the meaning of 28 U.S.C. § 1332. Specifically,

- a. Plaintiff, Les Bailey, is an individual citizen of Texas residing in Weatherford, Texas (*see* Petition at ¶ 2.a.);
- b. Plaintiff, L.A.B. Project Resource Group, Inc., is a Texas corporation with its principal place of business in Weatherford, Texas (*see* Petition at ¶ 2.b.);
- c. Defendant Rapid Mat, LLC, is a Nonresident Limited Liability Company (*see* Petition at ¶ 2.c.). The members of Defendant Rapid Mat, LLC are:
  - i. John Rigas, who is a citizen of New York residing in New York City, New York;
  - ii. Donald Zilkha, who is a citizen of New York residing in New York City, New York; and
  - iii. Robert T. Tapp, who is a citizen of Virginia residing in McLean, Virginia.
- d. Defendant Colt Defense, LLC, is a Nonresident Limited Liability Company (*see* Petition at ¶ 2.d.). The members of Defendant Colt Defense, LLC are listed on the attached Exhibit A and are citizens of the state corresponding to the entry of each member listed on Exhibit A residing in the location corresponding to the entry of each member listed on Exhibit A.

- e. Defendant Colt Rapid Mat, LLC, is a Nonresident Limited Liability Company (*see* Petition at ¶ 2.e.). The sole member of Defendant Colt Rapid Mat, LLC is Defendant Colt Defense LLC, whose citizenship is addressed in the previous paragraph.
- f. Defendant Robert Timothy Trapp is an individual nonresident of Texas (*see* Petition at ¶ 2.f.) who is a citizen of Virginia residing in Mclean, Virginia.
- g. Defendant William M. Keys is an individual nonresident of Texas (*see* Petition at ¶ 2.g.) who is a citizen of Virginia residing in Hume, Virginia.

5. Accordingly, the Removing Defendants may remove this case under 28 U.S.C. § 1441(a) and 28 U.S.C. § 1332(a)(2).

6. Additionally, under 28 U.S.C. § 1367(a), this Court has supplement jurisdiction over the Plaintiff's claims for attorney fees and exemplary damages because those claims are so related to the claim for a fraudulent transfer that they form part of the same case or controversy.

7. This Court is appropriate for purposes of removal under 28 U.S.C. § 1441(a) because this district and division embrace the place in which the removed action has been pending.

8. Pursuant to 28 U.S.C. § 1446(a) and Northern District Local Rule 81.1(a)(3), copies of all process, pleadings and orders, including the state court docket sheet as required by Northern District Local Rule 81.1(a)(3)(B), are attached to this notice as Exhibit B.

9. Pursuant to 28 U.S.C. § 1446(d), a copy of the written notice addressed to the adverse parties and the 415th District Court, Parker County, Texas is attached hereto as Exhibit C.

10. Pursuant to Northern District Local Rule 81.1(a)(4), a separately signed certificate of interested persons is attached as Exhibit D.

11. The Defendants who have been properly served at the time this removal notice is filed will file their written consent to removal separately. *See Getty Oil Corp. v. Ins. Co. of N. Am.*, 841 F.2d 1254, 1262 n.11 (5th Cir. 1988) (consent to removal requires only a “written indication from each served defendant, or from some person or entity purporting to formally act on its behalf in this respect and to have authority to do so, that it has actually consented to such action.”). This consent can be filed up to “thirty days from the day on which the first defendant was served.” *See id.* at 1263.

12. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the action has been pending.

13. Nothing has transpired in the State Court Action other than the service of Plaintiff’s Original Petition. The State Court Action clearly is in its infancy, and the removal of this case to Federal Court would not be prejudicial to any party.

#### **IV. Conclusion**

14. Because the amount in controversy surpasses \$75,000 exclusive of interests and costs, all of the Defendants are citizens of a different state, this case is properly removable under 28 U.S.C. sections 1332, 1441, and 1446.

Dated: May 18, 2006

Respectfully submitted,

By:

L.B.J.  
Craig B. Florence, Attorney-in-charge  
Texas Bar No. 07158010

Barry Golden  
Texas Bar No. 24002149

1601 Elm Street  
3000 Thanksgiving Tower  
Dallas, Texas 75201-4761

(214) 999-3000 (telephone)  
(214) 999-4667 (facsimile)

[CFolorence@gardere.com](mailto:CFolorence@gardere.com) (e-mail)  
[BGolden@gardere.com](mailto:BGolden@gardere.com) (e-mail)

**ATTORNEYS FOR DEFENDANTS**  
**COLT DEFENSE, LLC,**  
**COLT RAPID MAT, LLC,**  
**ROBERT TIMOTHY TAPP, AND**  
**WILLIAM M. KEYS**

**CERTIFICATE OF SERVICE**

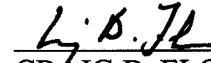
This is to certify that a true and correct copy of the above and foregoing was served upon the following—as an attachment to the Notice of Filing Notice of Removal filed in the 415th District Court, Parker County, Texas—on this 18th day of May 2006.

Phil King  
King & King, P.C.  
2110 Fort Worth Highway  
Weatherford, Texas 76086  
*Attorneys for Plaintiffs Les Bailey and L.A.B. Project Resource Group, Inc.*

**Via First-Class Mail**

R. Joseph Naus  
Wiener, Weiss & Madison, APC  
333 Texas Street, Suite 2350  
P.O. Box 21990  
Shreveport, Louisiana 71120-1990  
*Attorneys for Defendant Rapid Mat, LLC*

**Via First-Class Mail**

  
\_\_\_\_\_  
CRAIG B. FLORENCE

## EXHIBIT A

## COLT DEFENSE LLC

**Members of Record**  
As of May 16, 2006

<b>Member Name</b>	<b>State of Citizenship / Incorporation / Organization</b>	<b>City &amp; State of Residence / Principal Place of Business</b>
Colt Defense Holding LLC	Delaware	Connecticut
Colt Defense Employee Plan Holding Corp.	Delaware	Connecticut
Connecticut Development Authority	Connecticut	Connecticut
William M. Keys	Virginia	Hume, VA
Joyce M. Rubino	Ohio	Akron, OH
Michael P. Reissig	Connecticut	Enfield, CT
John F. Young	Massachusetts	West Springfield MA
Kevin J. Brown	Connecticut	Willington, CT
John M. Maguire	Connecticut	Tolland, CT
John B. Ibbotson	Connecticut	Moodus, CT
Thomas C. Moore	Connecticut	West Simsbury, CT
John P. Rigas	New York	New York City, NY
Daniel J. Standen	New York	New York
Cape Doro Ltd.	New Jersey	New Jersey
Brener International Group, LLC	California	California
Baker, Nye L.P.	New York	New York
John R. Torell III	New York	Bronxville, NY
Donald Young	New York	New York

Charles Ayers	New York	New York City, NY
M. Howard Jacobson	Massachusetts	Westborough, MA
Bernhard Trust B	New York	New York
Richard B. Nye	New York	East Hampton, NY
Carlton S. Chen	Connecticut	Wilton, CT
James R. Battaglini	Connecticut	West Hartford, CT
Athlos (US) Investments, Inc.	Florida	Florida
Vartan Aznavoorian II	New York	New York City, NY
Cirque Investments LLC	Florida	Florida
Robert E. Patricelli	Connecticut	Avon, CT
Clifford P. Smallman	New York	New York City, NY
Michael A. Standen	Florida	Naples, FL
Oliver Wriedt	New York	New York City, NY
Brown Finance Ltd.	Greece	Athens, Greece
A. David & A. I. Leventis, as Joint Tenants	Greece	Athens, Greece
MGS S.A.	Greece	Athens, Greece
Newlyn, Ltd.	Greece	Athens, Greece

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

**LES BAILEY AND  
L.A.B. PROJECT RESOURCE  
GROUP, INC.,**

**Plaintiffs,**

**vs.**

**RAPID MAT, LLC, COLT DEFENSE,  
LLC, COLT RAPID MAT, LLC,  
ROBERT TIMOTHY TAPP, AND  
WILLIAM M. KEYS,**

**Defendants.**

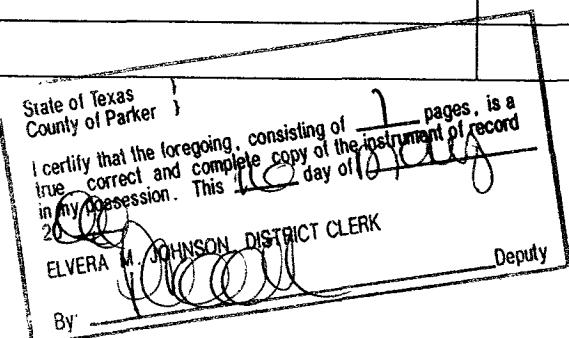
**CASE NO. \_\_\_\_\_**

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<b>Tab</b>	<b>Name of Document</b>	<b>Date Filed in State Court</b>
1	Docket Sheet	April 18, 2006
2	Plaintiff's Original Petition	April 18, 2006
3	Certificates of Service	April 24, 2006

## **CIVIL DOCKET - CAUSE NO. CV06-0802**

NAMES OF PARTIES	ATTORNEYS	KIND OF ACTION	DATE OF FILING
LES BAILEY AND L.A.B. PROJECT RESOURCE GROUP, INC.	Phil King 817-596-8100	CONTRACT SUIT	04/18/2006
VS.			JURY FEE: \$
			PAID BY:
RAPID MAT,LLC, COLT DEFENSE,LLC, COLT RAPID MAT,LLC, ROBERT TIMOTHY TAPP AND WILLIAM M. KEYS			



NO. CV06-0802

APR 18 2006

ELVERA M. JOHNSON, District Clerk  
PARKER COUNTY, TEXAS  
By JenLES BAILEY AND L.A.B. PROJECT  
RESOURCE GROUP, INC.

Plaintiffs,

V.

RAPID MAT, LLC, COLT DEFENSE,  
LLC, COLT RAPID MAT, LLC,  
ROBERT TIMOTHY TAPP AND  
WILLIAM M. KEYS

Defendants.

§ IN THE DISTRICT COURT

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§ OF PARKER COUNTY, TEXAS

4/15/06 JUDICIAL DISTRICT**ORIGINAL PETITION FOR FRAUDULENT TRANSFER ACTION**

1. *Discovery Level.* Discovery in this case is intended to be conducted under level 2 of rule 190 of the Texas Rules of Civil Procedure.

2. *Parties.*

a. Plaintiff, Les Bailey, is an Individual whose address is 1909 Silverado Drive, Weatherford, Texas 76087.

b. Plaintiff, L.A.B. Project Resource Group, Inc., is a Texas Corporation whose address is 2110 Fort Worth Highway, Weatherford, Texas 76086.

c. Defendant Judgment Debtor Rapid Mat, LLC, a Nonresident Limited Liability Company, has conducted business in the State of Texas. Defendant Rapid Mat, LLC is not required by statute to designate or maintain a registered agent for service of process in the State of Texas. This lawsuit arises out of the business done in this state and to which said Defendant is a party.

Therefore, under Section 17.044 of the Texas Civil Practice and Remedies Code, substituted service on Defendant should be made by serving the Secretary of State of Texas, Statutory Documents Section, Citations Unit, P.O. Box 12079, Austin, Texas 78711-2079, and forwarded to Defendant's

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home office at 816 Connecticut Avenue, N.W., Washington, DC 20006. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

d. Defendant Transferee Colt Defense, LLC, a Nonresident Limited Liability Company, may be served by and through its attorney, Steven M. Greenspan, who has agreed to accept service at Day, Berry & Howard, LLP, City Place I, Hartford, CT 06103. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

e. Defendant Transferee Colt Rapid Mat, LLC, a Nonresident Limited Liability Company, may be served by and through its attorney, Steven M. Greenspan, who has agreed to accept service at Day, Berry & Howard, LLP, City Place I, Hartford, CT 06103. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

f. Defendant Transferee Robert Timothy Tapp, an Individual who is a nonresident of Texas, engages or has engaged in business in this state, but does not maintain a regular place of business or a designated agent for service of process. This lawsuit arises out of the business done in this state and to which said Defendant is a party. Therefore, under Section 17.044 of the Texas Civil Practice and Remedies Code, substituted service on Defendant should be made by serving the Secretary of State of Texas, Statutory Documents Section, Citations Unit, P.O. Box 12079, Austin, Texas 78711-2079, and forwarded to Defendant's home or home office at 1066 31st Street NW, Canal Square, Suite 150, Washington, DC 20007. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

g. Defendant Transferee William M. Keys, an Individual who is a nonresident of Texas, engages or has engaged in business in this state, but does not maintain a regular place of business or a designated agent for service of process. This lawsuit arises out of the business done in this state and to which said Defendant is a party. Therefore, under Section 17.044 of the Texas Civil

Practice and Remedies Code, substituted service on Defendant should be made by serving the Secretary of State of Texas, Statutory Documents Section, Citations Unit, P.O. Box 12079, Austin, Texas 78711-2079, and forwarded to Defendant's home or home office at 547 New Park Avenue, West Hartford, CT 06110. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

3. This court has jurisdiction over Defendant Rapid Mat, LLC, because said Defendant purposefully availed itself of the privilege of conducting activities in the state of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendant, and the assumption of jurisdiction over Rapid Mat, LLC will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process.

4. Plaintiffs would show that Defendant Rapid Mat, LLC had continuous and systematic contacts with the state of Texas sufficient to establish general jurisdiction over said Defendant.

5. Plaintiffs would also show that the cause of action arose from or relates to the contacts of Defendant Rapid Mat, LLC to the state of Texas, thereby conferring specific jurisdiction with respect to said Defendant.

6. Furthermore, Plaintiffs would show that Defendant Rapid Mat, LLC engaged in activities constituting business in the state of Texas as provided by Section 17.042 of the Texas Civil Practice and Remedies Code, in that said Defendant contracted with a Texas resident and committed a tort in whole or in part in Texas.

7. Specifically, Rapid Mat, LLC contracted with Plaintiffs, Texas residents, then breached that contract. Plaintiffs obtained a judgment in Texas district court against this Defendant in excess of \$800,000.00. Rapid Mat, LLC then engaged in fraudulent transfer of assets to avoid payment to Plaintiffs, in violation of the Uniform Fraudulent Transfer Act, Bus. & Com. C. § 24.001

*et seq.*

8. This court has jurisdiction over Defendant Colt Defense, LLC, because said Defendant purposefully availed itself of the privilege of conducting activities in the state of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendant, and the assumption of jurisdiction over Colt Defense, LLC will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process.

9. Plaintiffs would show that Defendant Colt Defense, LLC had continuous and systematic contacts with the state of Texas sufficient to establish general jurisdiction over said Defendant.

10. Plaintiffs would also show that the cause of action arose from or relates to the contacts of Defendant Colt Defense, LLC to the state of Texas, thereby conferring specific jurisdiction with respect to said Defendant.

11. Furthermore, Plaintiffs would show that Defendant Colt Defense, LLC engaged in activities constituting business in the state of Texas as provided by Section 17.042 of the Texas Civil Practice and Remedies Code, in that said Defendant committed a tort in whole or in part in Texas.

12. Specifically, Colt Defense, LLC received assets in a fraudulent manner, in violation of the Uniform Fraudulent Transfer Act, Bus. & Com. C. § 24.001 *et seq.*

13. This court has jurisdiction over Defendant Colt Rapid Mat, LLC, because said Defendant purposefully availed itself of the privilege of conducting activities in the state of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendant, and the assumption of jurisdiction over Colt Rapid Mat, LLC will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process.

14. Plaintiffs would show that Defendant Colt Rapid Mat, LLC had continuous and

systematic contacts with the state of Texas sufficient to establish general jurisdiction over said Defendant.

15. Plaintiffs would also show that the cause of action arose from or relates to the contacts of Defendant Colt Rapid Mat, LLC to the state of Texas, thereby conferring specific jurisdiction with respect to said Defendant.

16. Furthermore, Plaintiffs would show that Defendant Colt Rapid Mat, LLC engaged in activities constituting business in the state of Texas as provided by Section 17.042 of the Texas Civil Practice and Remedies Code, in that said Defendant committed a tort in whole or in part in Texas.

17. Specifically, Colt Rapid Mat, LLC received assets in a fraudulent manner, in violation of the Uniform Fraudulent Transfer Act, Bus. & Com. C. § 24.001 *et seq.* Additionally, Colt Rapid Mat, LLC forms a “single business enterprise” with Colt Defense, LLC and Rapid Mat, LLC in that they have common personnel; common offices and facilities; centralized accounting practices and unclear allocation of profits and losses; the payment of wages and rendition of services by one corporation for the other; and/or a common business name.

18. This court has jurisdiction over Defendant Robert Timothy Tapp, because said Defendant purposefully availed himself of the privilege of conducting activities in the state of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendant, and the assumption of jurisdiction over Robert Timothy Tapp will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process.

19. Plaintiffs would also show that the cause of action arose from or relates to the contacts of Defendant Robert Timothy Tapp to the state of Texas, thereby conferring specific jurisdiction with respect to said Defendant.

20. Furthermore, Plaintiffs would show that Defendant Robert Timothy Tapp engaged in

activities constituting business in the state of Texas as provided by Section 17.042 of the Texas Civil Practice and Remedies Code, in that said Defendant contracted with a Texas resident and committed a tort in whole or in part in Texas.

21. Specifically, Robert Timothy Tap participated in the fraudulent transfer of assets to avoid payment to Plaintiffs, in violation of the Uniform Fraudulent Transfer Act, Bus. & Com. C. § 24.001 *et seq.*

22. This court has jurisdiction over Defendant William M. Keys, because said Defendant purposefully availed himself of the privilege of conducting activities in the state of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendant, and the assumption of jurisdiction over William M. Keys will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process.

23. Plaintiffs would also show that the cause of action arose from or relates to the contacts of Defendant William M. Keys to the state of Texas, thereby conferring specific jurisdiction with respect to said Defendant.

24. Furthermore, Plaintiffs would show that Defendant William M. Keys engaged in activities constituting business in the state of Texas as provided by Section 17.042 of the Texas Civil Practice and Remedies Code, in that said Defendant committed a tort in whole or in part in Texas.

25. Specifically, Defendant Keys participated in a fraudulent transfer of assets, in violation of the Uniform Fraudulent Transfer Act, Bus. & Com. C. § 24.001 *et seq.*

26. *Underlying Debt.* On February 19, 2004, judgment was rendered in Cause No. CIV03-52143-43, styled "L.A.B. PROJECT RESOURCE GROUP, INC. d/b/a B.E.I. and LES BAILEY v. RAPID MAT, LLC AND RAPID MAT ET AL" in the 43rd Judicial District Court, Parker County, Texas in favor of Plaintiffs and against Defendant Judgment Debtor, in the amount of

\$845,217.45. The judgment remains unpaid. Plaintiffs perfected their lien against Defendant Judgment Debtor's nonexempt real property located in Parker County, Texas, by filing an abstract of judgment. Copies of the judgment and the recorded abstract of judgment are attached as Exhibits A and B respectively and incorporated by reference.

27. *Transfer.* On or about April 29, 2005, Defendant Judgment Debtor agreed to convey all assets to Defendant Transferees, in lieu of foreclosure of those assets by Defendant Transferees. The value of the assets conveyed is unknown at this time.

28. *Nature of Fraudulent Transfer.* The transfer referred to in paragraph 27 was a fraud against the rights of Defendant Judgment Debtor's creditors, because

- a. the transfer was made with the intent to hinder, delay, or defraud both Plaintiffs and Defendant Judgment Debtor's other creditors;
- b. Plaintiffs held the status as a present creditor at the time of the transfer;
- c. the transfer was made without the Defendant Judgment Debtor receiving reasonably equivalent value in exchange for the property, and Defendant Judgment Debtor was insolvent when the transfer was made; and
- d. the transfer was made to an insider for an antecedent debt, Defendant Judgment Debtor was insolvent at the time, and Defendant Transferees had reasonable cause to believe that Defendant Judgment Debtor was insolvent.

29. This is an attempt to collect a debt. Any information obtained will be used for that purpose.

30. *Attorney's Fees.* Plaintiff found it necessary to employ the undersigned attorney to file suit. Plaintiff is entitled to recover all reasonable and necessary attorneys fees, including those incurred through appeal. Tex. Bus. & Com. C. § 24.013.

31. *Exemplary Damages.* Plaintiffs would show that, under Tex. Civ. Prac. & Rem. C. § 41.001 *et seq*, they are entitled to exemplary damages because Defendants acted knowingly and intentionally, and with fraud, malice, or gross negligence.

32. *Prayer.* Plaintiffs pray that-

- a. Defendant Judgment Debtor and Defendant Transferees be cited to appear and answer;
- b. Plaintiffs be granted judgment against Defendant Judgment Debtor and Transferees in an amount in excess the minimum jurisdiction of this Court;
- c. the Court enter judgment that the transfer of the above-described property from Defendant Judgment Debtor to Defendant Transferees was void with respect to Plaintiffs;
- d. the Court enter its decree setting aside and canceling the conveyance of the above-described property as fraudulent;
- e. Plaintiffs be granted judgment for prejudgment and postjudgment interest as allowed by law, including interest from the date of the original judgment against Defendant Judgment Debtor;
- f. Plaintiffs be granted judgment for exemplary damages in an amount to be determined by the trier of fact;
- g. Plaintiffs be granted judgment for all reasonable and necessary attorney's fees through appeal;
- h. Plaintiffs be granted judgment for all costs of court; and
- i. Plaintiffs be granted all further relief to which Plaintiffs may be entitled.

Respectfully submitted,

King & King, P.C.  
2110 Fort Worth Highway  
Weatherford, Texas 76086  
Tel. (817)596-8100  
Fax. (817)596-8375  
[phil@philking.com](mailto:phil@philking.com)

By: 

Phil King  
Texas Bar No. 00789798  
Joshua W. Carden  
Texas Bar No. 24050379  
Attorneys for Plaintiffs  
Les Bailey and L.A.B. Project Resource  
Group, Inc.

State of Texas County of Parker
I certify that the foregoing, consisting of <u>1</u> pages, is a true, correct and complete copy of the instrument of record in my possession. This <u>10</u> day of <u>May</u> <u>2006</u>
ELVERA M. JOHNSON, DISTRICT CLERK  B. 
Deputy

The State of Texas

Citations Unit  
P.O. Box 12079  
Austin, Texas 78711-2079



Phone: 512-463-5560  
Fax: 512-463-6616  
TTY (800) 735-2989  
[www.sos.state.tx.us](http://www.sos.state.tx.us)

Secretary of State

May 8, 2006

Phil King  
King & King PC  
2110 Fort Worth Highway  
Weatherford, TX 76086

**2006-121278**

Include reference number in  
all correspondence

RE: Les Bailey And L A B Project Resource Group Inc Vs Rapid Mat LLC et al  
415th Judicial District Court Of Parker County, Texas  
Cause No: CV060802

Dear Sir/Madam:

Please find enclosed your Certificate(s) of Service for the case styled above.

If this office may be of further assistance to you, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Louis S. Villarreal".

Louis S. Villarreal  
Citations Unit

Enclosure

State of Texas }  
County of Parker }

I certify that the foregoing, consisting of 2 pages, is a  
true, correct and complete copy of the instrument of record  
in my possession. This 10 day of May, 2006.

ELVERA M. JOHNSON, DISTRICT CLERK  
A handwritten signature in black ink, appearing to read "ELVERA M. JOHNSON, DISTRICT CLERK".

Deputy

*3*



The State of Texas  
Secretary of State

2006-121278-3

I, the undersigned, as Secretary of State of Texas DO HEREBY CERTIFY that according to the records of this office, a copy of the Citation and Original Petition for Fraudulent Transfer Action in the cause styled:

Les Bailey And L A B Project Resource Group Inc Vs Rapid Mat LLC et al  
415th Judicial District Court Of Parker County, Texas  
CV060802

was received by this office on April 24, 2006, and that a copy was forwarded on April 26, 2006, by CERTIFIED MAIL, return receipt requested to:

William Keys  
547 New Park Ave  
West Hartford , CT 06110

The RETURN RECEIPT was received in this office dated May 4, 2006, bearing the Signature Of Addressee's Agent.

RECEIVED AND FILED  
FOR RECORD A M  
AT 11:04 O'CLOCK A M

MAY 11 2006

ELVERA M. JOHNSON, District Clerk  
PARKER COUNTY, TEXAS  
By J. Nathan

Date issued: May 8, 2006

A handwritten signature of Roger Williams.

Roger Williams  
Secretary of State

ST\lsv





## THE STATE OF TEXAS

TO: RAPID MAT, LLC  
816 Connecticut Avenue, N.W.  
Washington, DC 20006

## BY SERVING:

The Office Of The Secretary Of State  
State Of Texas  
Statutory Documents Section-Citations Unit  
P.O. Box 12079  
Austin, Texas 78711-2079

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition with the District Clerk, who is the Clerk for the 415th Judicial District Court in and for Parker County on or before 10:00 a.m. on the Monday next following the expiration of twenty days from the date of service hereof, said Court being located on the 1st floor of the District Courts Building, 117 Fort Worth Hwy., Weatherford, Texas, 76086. NOTICE: YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.

The suit is numbered **CV06-0802**, was filed in the **415th Judicial District Court** on **April 18th 2006** and is styled

LES BAILEY AND L.A.B. PROJECT RESOURCE GROUP, INC., Plaintiff(s)

vs.

RAPID MAT, LLC, COLT DEFENSE, LLC, COLT RAPID MAT, LLC, ROBERT TIMOTHY TAPP

AND WILLIAM M. KEYS, Defendant(s)

And being the parties in the suit. The nature of the suit is shown in the copy of the attached petition.

## NAME &amp; ADDRESS OF PETITIONER'S ATTORNEY:

PHIL KING

2110 FT. WORTH HWY

WEATHERFORD, TX 76086

## ADDRESS OF District Clerk:

District Courts Building  
117 Fort Worth Hwy.  
PO Box 2050  
Weatherford, Texas 76086-2050

WITNESS: ELVERA M. JOHNSON, District Clerk,  
Parker County, Texas. Issued and given under my hand and  
seal of said Court this the

18th day of April 2006

By Elvira Johnson

Deputy

Came to hand the 18th day of April 2006 at 3:00 o'clock

\*\*\*\*\*  
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FILED

2-N-1540  
ed

## THE STATE OF TEXAS

TO: ROBERT TIMOTHY TAPP  
1066 31<sup>st</sup> Street NW  
Canal Square, Suite 150  
Washington, DC 20007

BY SERVING: The Office Of The Secretary Of State  
State Of Texas  
Statutory Documents Section-Citations Unit  
P.O. Box 12079  
Austin, Texas 78711-2079

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition with the District Clerk, who is the Clerk for the 415th Judicial District Court in and for Parker County on or before 10:00 a.m. on the Monday next following the expiration of twenty days from the date of service hereof, said Court being located on the 1st floor of the District Courts Building, 117 Fort Worth Hwy., Weatherford, Texas, 76086. NOTICE: YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.

The suit is numbered **CV06-0802**, was filed in the **415th Judicial District Court** on **April 18th 2006** and is styled

LES BAILEY AND L.A.B. PROJECT RESOURCE GROUP, INC., Plaintiff(s)

vs.

RAPID MAT, LLC, COLT DEFENSE, LLC, COLT RAPID MAT, LLC, ROBERT TIMOTHY TAPP

AND WILLIAM M. KEYS, Defendant(s)

And being the parties in the suit. The nature of the suit is shown in the copy of the attached petition.

NAME & ADDRESS OF PETITIONER'S ATTORNEY:  
PHIL KING

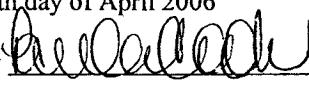
2110 FT. WORTH HWY

WEATHERFORD, TX 76086

ADDRESS OF District Clerk:  
District Courts Building  
117 Fort Worth Hwy.  
PO Box 2050  
Weatherford, Texas 76086-2050

WITNESS: ELVERA M. JOHNSON, District Clerk,  
Parker County, Texas. Issued and given under my hand and  
seal of said Court this the

18th day of April 2006

By  Deputy

\*\*\*\*\*  
OFFICER'S RETURN BY MAILING

Came to hand the 18th day of April 2006 at 3:00 o'clock P.M. and executed at by mailing to the defendant certified  
mail No 7001 0750 0000 7527 2251

TO: COLT DEFENSE, LLC  
Steven M. Greenspan  
Day, Berry & Howard, LLP, City Place I  
Hartford, CT. 06103

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition with the District Clerk, who is the Clerk for the 415<sup>th</sup> Judicial District Court in and for Parker County on or before 10:00 a.m. on the Monday next following the expiration of twenty days from the date of service hereof, said Court being located on the 1st floor of the District Courts Building, 117 Fort Worth Hwy, Weatherford, Texas, 76086. NOTICE: YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.

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vs.

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AND WILLIAM M. KEYS, Defendant(s)

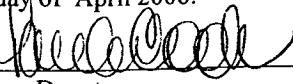
And being the parties in the suit. The nature of the suit is shown in the copy of the attached petition.

NAME & ADDRESS OF PLAINTIFF'S ATTORNEY:

PHIL KING  
2110 FORT WORTH HIGHWAY  
WEATHERFORD, TX 76086  
817.596.8987

WITNESS: ELVERA M. JOHNSON, District Clerk,  
Parker County, Texas. Issued and given under my hand and  
seal of said Court this the

18th day of April 2006.

By   
Deputy

ADDRESS OF District Clerk:  
District Courts Building  
117 Fort Worth Hwy  
PO Box 2050  
Weatherford, Texas 76086-2050

OFFICER'S OR AUTHORIZED PERSON'S RETURN

Received this citation on the \_\_\_\_\_ day of \_\_\_\_\_, 2006 at \_\_\_\_\_ o'clock \_\_.m. and executed at  
\_\_\_\_\_, within the County of \_\_\_\_\_, State of \_\_\_\_\_ on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_.m by delivering to the within named \_\_\_\_\_

\_\_\_\_\_ a true copy of this citation together with the accompanying copy of Plaintiff's petition having first endorsed on \_\_\_\_\_

TO: COLT RAPID MAT, LLC  
Steven M. Greenspan  
Day, Berry & Howard, LLP, City Place I  
Hartford, CT. 06103

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition with the District Clerk, who is the Clerk for the 415<sup>th</sup> Judicial District Court in and for Parker County on or before 10:00 a.m. on the Monday next following the expiration of twenty days from the date of service hereof, said Court being located on the 1st floor of the District Courts Building, 117 Fort Worth Hwy, Weatherford, Texas, 76086. NOTICE: YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.

The suit is numbered CV06-0802 was filed in the 415th Judicial District Court on April 18th, 2006 and styled

LES BAILEY AND L.A.B. PROJECT RESOURCE GROUP, INC., Plaintiff(s)

vs.

RAPID MAT, LLC, COLT DEFENSE, LLC, COLT RAPID MAT, LLC, ROBERT TIMOTHY TAPP

AND WILLIAM M. KEYS, Defendant(s)

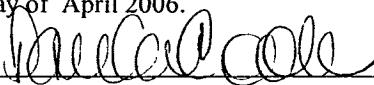
And being the parties in the suit. The nature of the suit is shown in the copy of the attached petition.

NAME & ADDRESS OF PLAINTIFF'S ATTORNEY:

PHIL KING  
2110 FORT WORTH HIGHWAY  
WEATHERFORD, TX 76086  
817.596.8987

WITNESS: ELVERA M. JOHNSON, District Clerk,  
Parker County, Texas. Issued and given under my hand and  
seal of said Court this the

18th day of April 2006.

By   
Deputy

ADDRESS OF District Clerk:  
District Courts Building  
117 Fort Worth Hwy  
PO Box 2050  
Weatherford, Texas 76086-2050

\*\*\*\*\*  
OFFICER'S OR AUTHORIZED PERSON'S RETURN

Received this citation on the \_\_\_\_\_ day of \_\_\_\_\_, 2006 at \_\_\_\_\_ o'clock \_\_.m. and executed at  
\_\_\_\_\_, within the County of \_\_\_\_\_, State of \_\_\_\_\_ on the  
\_\_\_\_\_, day of \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_.m by delivering to the within named \_\_\_\_\_

\_\_\_\_\_ a true copy of this citation together with the accompanying copy of Plaintiff's petition, having first endorsed on same the

**NO. CV06-0802**

**LES BAILEY AND  
L.A.B. PROJECT RESOURCE  
GROUP, INC.,**

**Plaintiffs,**

**vs.**

**RAPID MAT, LLC, COLT DEFENSE,  
LLC, COLT RAPID MAT, LLC,  
ROBERT TIMOTHY TAPP, AND  
WILLIAM M. KEYS,**

**Defendants.**

**IN THE DISTRICT COURT**

**415th JUDICIAL DISTRICT**

**OF PARKER COUNTY, TEXAS**

**NOTICE OF FILING NOTICE OF REMOVAL**

Defendants Colt Defense, LLC, Colt Rapid Mat, LLC, Robert Timothy Tapp, and William M. Keys notify the Court and all parties that, on May 18, 2006, the attached Notice of Removal was filed in the United States District Court for the Northern District of Texas, Fort Worth Division.

Dated: May 18, 2006

Respectfully submitted,

By:

Craig B. Florence, Attorney-in-charge  
Texas Bar No. 07158010  
Barry Golden  
Texas Bar No. 24002149  
1601 Elm Street  
3000 Thanksgiving Tower  
Dallas, Texas 75201-4761  
(214) 999-3000 (telephone)  
(214) 999-4667 (facsimile)  
[CFolorence@gardere.com](mailto:CFolorence@gardere.com) (e-mail)  
[BGolden@gardere.com](mailto:BGolden@gardere.com) (e-mail)  
**ATTORNEYS FOR DEFENDANTS**  
**COLT DEFENSE, LLC,**  
**COLT RAPID MAT, LLC,**  
**ROBERT TIMOTHY TAPP, AND**  
**WILLIAM M. KEYS**

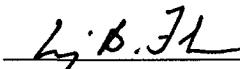
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing has been forwarded via facsimile and certified mail, return receipt requested, to counsel for the Plaintiffs, Phil King, King & King, P.C., 2110 Fort Worth Highway, Weatherford, Texas 76086, and to counsel of record for each Defendant as indicated below on this 18th day of May 2006.

WIENER, WEISS & MADISON, P.C.

**Regular Mail**

R. Joseph Naus  
333 Texas Street, Suite 2350  
P.O. Box 21990  
Shreveport, Louisiana 71120-1990  
(318) 213-9244  
*Attorneys for Defendant Rapid Mat, LLC*

  
\_\_\_\_\_  
Craig B. Florence

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

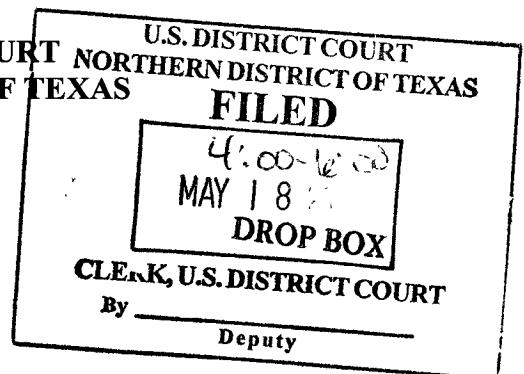
LES BAILEY AND  
L.A.B. PROJECT RESOURCE  
GROUP, INC.

Plaintiffs,

vs.

RAPID MAT, LLC, COLT DEFENSE,  
LLC, COLT RAPID MAT, LLC,  
ROBERT TIMOTHY TAPP, AND  
WILLIAM M. KEYS,

Defendants.



4 - 06 CV - 344 - Y

CIVIL CASE NO.

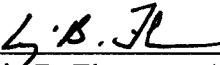
**CERTIFICATE OF INTERESTED PERSONS OF DEFENDANTS COLT DEFENSE,  
LLC, COLT RAPID MAT, LLC, ROBERT TIMOTHY TAPP AND WILLIAM M. KEYS**

Other than the named parties, no person has a direct financial interest in the outcome of this civil action except for those persons and/or entities listed as members of the parties in the Notice of Removal to which this Certificate of Interested Persons is attached.

Dated: May 18, 2006

Respectfully submitted,

By:

  
\_\_\_\_\_  
Craig B. Florence, Attorney-in-charge  
Texas Bar No. 07158010  
Barry Golden  
Texas Bar No. 24002149  
1601 Elm Street  
3000 Thanksgiving Tower  
Dallas, Texas 75201-4761  
(214) 999-3000 (telephone)  
(214) 999-4667 (facsimile)  
[CFolorence@gardere.com](mailto:CFolorence@gardere.com) (e-mail)  
[BGolden@gardere.com](mailto:BGolden@gardere.com) (e-mail)  
**ATTORNEYS FOR DEFENDANTS**  
**COLT DEFENSE, LLC,**  
**COLT RAPID MAT, LLC,**  
**ROBERT TIMOTHY TAPP, AND**  
**WILLIAM M. KEYS**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing was served upon the following on this 18th day of May 2006.

Phil King  
King & King, P.C.  
2110 Fort Worth Highway

**Via First-Class Mail**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing was served upon the following on this 18th day of May 2006.

Phil King **Via First-Class Mail**  
King & King, P.C.  
2110 Fort Worth Highway  
Weatherford, Texas 76086  
**Attorneys for Plaintiffs**  
**Les Bailey and L.A.B. Project Resource Group, Inc.**

R. Joseph Naus  
Weiner, Weiss & Madison, P.C.  
333 Texas Street, Suite 2350  
P.O. Box 21990  
Shreveport, Louisiana 71120-1990  
(318) 213-9244  
**Attorneys for Defendant**  
**Rapid Mat, LLC**

CRAIG B. FLORENCE  
CRAIG B. FLORENCE

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

RECEIVED

4/00-6-00

MAY 18 2006

DROP BOX

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

<b>I. (a) PLAINTIFFS</b> Bailey, Les L.A.B. Project Resource Group, Inc.		<b>DEFENDANTS</b> (See Attachment)		
<b>(b) County of Residence of First Listed Plaintiff</b> <u>Parker County, Texas</u> (EXCEPT IN U.S. PLAINTIFF CASES)		County of Residence of First Listed Defendant <u>Fairfax, Virginia</u> (IN U.S. PLAINTIFF CASES ONLY)		NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
<b>(c) Attorney's (Firm Name, Address, and Telephone Number)</b> (See Attachment)		Attorneys (If Known) (See Attachment) <b>4 - 06 CV - 344 - Y</b>		
<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)		
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 Incorporated or Principal Place of Business In This State <input type="checkbox"/> 4 <input checked="" type="checkbox"/> 5		
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5 <input type="checkbox"/> 6		
		Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 4 Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 7		

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

<b>CONTRACT</b>	<b>TORTS</b>		<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury		<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<b>LABOR</b>	<b>SOCIAL SECURITY</b>	<b>OTHER STATUTES</b>
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

<b>V. ORIGIN</b>	(Place an "X" in One Box Only)		Appeal to District Judge from Magistrate Judgment		
<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. §§ 1332, 1337, 1441, 1446**VI. CAUSE OF ACTION**  
Brief description of cause: Recovery of Alleged Fraudulent Transfer Pursuant To Texas Uniform Fraudulent Transfer Act

<b>VII. REQUESTED IN COMPLAINT:</b>	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	<b>DEMANDS</b>	CHECK YES only if demanded in complaint: <b>JURY DEMAND:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
-------------------------------------	--	----------------	--

<b>VIII. RELATED CASE(S) IF ANY</b>	(See instructions):	JUDGE	DOCKET NUMBER
-------------------------------------	---------------------	-------	---------------

DATE	SIGNATURE OF ATTORNEY OF RECORD		
------	---------------------------------	--	--

5/18/06	<u>L.B. 31</u>		
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FOR OFFICE USE ONLY

RECEIPT # <u>510300</u>	AMOUNT <u>350</u>	APPLYING IFP	JUDGE <u>Y</u>	MAG. JUDGE
-------------------------	-------------------	--------------	----------------	------------

**ATTACHMENT TO CIVIL COVER SHEET**

**I.(a) DEFENDANTS:**

Robert T. Tapp  
William M. Keys  
Colt Defense, LLC  
Colt Rapid Mat, LLC  
Rapid Mat, LLC

**I.(c) ATTORNEYS FOR PLAINTIFFS:**

Phil King (No. 00789798)  
King & King, P.C.  
2110 Fort Worth Highway  
Weatherford, Texas 76086  
(817) 596-8100

Joshua W. Carden (No. 24050379)  
King & King, P.C.  
2110 Fort Worth Highway  
Weatherford, Texas 76086  
(817) 596-8100

**I.(c) ATTORNEYS FOR DEFENDANTS:**

Craig Florence (No. 07158010)  
Gardere Wynne Sewell, LLP  
1601 Elm Street  
3000 Thanksgiving Tower  
Dallas, Texas 75201-4761  
(214) 999-3000

Barry Golden (No. 24002149)  
Gardere Wynne Sewell, LLP  
1601 Elm Street  
3000 Thanksgiving Tower  
Dallas, Texas 75201-4761  
(214) 999-3000

R. Joseph Naus  
Wiener, Weiss & Madison, P.C.  
333 Texas Street, Suite 2350  
P.O. Box 21990  
Shreveport, Louisiana 71120-1990  
(318) 213-9244

**III. CITIZENSHIP OF PRINCIPAL PARTIES**

Plaintiffs:

Les Bailey  
L.A.B. Project Resource Group, Inc.

1. Citizen of This State  
1. Citizen of This State

Defendants:

Robert T. Tapp  
William M. Keys  
Colt Defense, LLC  
Colt Rapid Mat, LLC  
Rapid Mat, LLC

2. Citizen of Another State  
2. Citizen of Another State

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.**  
Example: U.S. Civil Statute 47 USC 553  
Brief Description: Unauthorized reception of cable service

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

**Supplemental Civil Cover Sheet For Cases Removed  
From State Court**

**This form must be attached to the Civil Cover Sheet at the time the case is filed in the U.S. District Clerk's Office. Additional sheets may be used as necessary.**

**1. State Court Information:**

Please identify the court from which the case is being removed and specify the number assigned to the case in that court.

<u>Court</u>	<u>Case Number</u>
415th Judicial District Court of Parker County, Texas	CV06-0802

**2. Style of the Case:**

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named and include their bar number, firm name, correct mailing address, and phone number (including area code.)

<u>Party and Party Type</u>	<u>Attorney(s)</u>
Les Bailey (Plaintiff)	Phil King (No. 00789798) Joshua W. Carden (No. 24050379) King & King, P.C. 2110 Fort Worth Highway Weatherford, Texas 76086 (817) 596-8100
L.A.B. Project Resource Group, Inc. (Plaintiff)	Phil King (No. 00789798) Joshua W. Carden (No. 24050379) King & King, P.C. 2110 Fort Worth Highway Weatherford, Texas 76086 (817) 596-8100
Rapid Mat, LLC (Defendant)	R. Joseph Naus Wiener, Weiss & Madison, APC 333 Texas Street, Suite 2350 P.O. Box 21990 Shreveport, Louisiana 71120-1990 (318) 213-9244

Colt Defense, LLC (Defendant)

Craig Florence (No. 07158010)  
Barry Golden (No. 24002149)  
Gardere Wynne Sewell, LLP  
1601 Elm Street  
3000 Thanksgiving Tower  
Dallas, Texas 75201-4761  
(214) 999-3000

Colt Rapid Mat, LLC (Defendant)

Craig Florence (No. 07158010)  
Barry Golden (No. 24002149)  
Gardere Wynne Sewell, LLP  
1601 Elm Street  
3000 Thanksgiving Tower  
Dallas, Texas 75201-4761  
(214) 999-3000

Robert Timothy Tapp (Defendant)

Craig Florence (No. 07158010)  
Barry Golden (No. 24002149)  
Gardere Wynne Sewell, LLP  
1601 Elm Street  
3000 Thanksgiving Tower  
Dallas, Texas 75201-4761  
(214) 999-3000

William M. Keys (Defendant)

Craig Florence (No. 07158010)  
Barry Golden (No. 24002149)  
Gardere Wynne Sewell, LLP  
1601 Elm Street  
3000 Thanksgiving Tower  
Dallas, Texas 75201-4761  
(214) 999-3000

**3. Jury Demand:**

Was a Jury Demand made in State Court?  Yes  No

If "Yes," by which party and on what date?

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Party

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Date

**4. Answer:**

Was an Answer made in State Court?  Yes  No

If "Yes," by which party and on what date?

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Party

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Date

**5. Unserved Parties:**

The following parties have not been served at the time this case was removed:

<u>Party</u>	<u>Reason(s) for No Service</u>
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None

**6. Nonsuited, Dismissed or Terminated Parties:**

Please indicate any changes from the style on the State Court papers and the reason for that change:

<u>Party</u>	<u>Reason</u>
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None

7. **Claims of the Parties:**

The filing party submits the following summary of the remaining claims of each party in this litigation:

<u>Party</u>	<u>Claim(s)</u>
Les Bailey (Plaintiff)	Recovery of Fraudulent Transfer Attorney Fees Exemplary Damages
L.A.B. Project Resource Group, Inc.	Recovery of Fraudulent Transfer Attorney Fees Exemplary Damages

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